

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RANDALL B. HOFLAND,)	
)	
Plaintiff,)	
)	
v.)	CV-09-172-B-W
)	
RICHARD LaHAYE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER DENYING MOTION TO RECUSE

On November 10, 2010, Randall B. Hofland moved to recuse the United States Magistrate Judge and me and asked that the case be transferred to the Portland courthouse. *Mot. to Recuse* (Docket # 52) (*Def.'s Mot.*). The basis of his motion is that the commission of “egregious errors” and a “hostile and prejudicial tone that the Magistrate Judge used in her orders.” *Id.* at 1-2. On November 4, 2010, the Magistrate Judge denied the motion as to herself. *Order Denying Mot. to Amend and Mot. to Recuse Magistrate Judge* (Docket # 55) (*Order*). Other than demanding my recusal, Mr. Hofland’s motion does not say why I – as opposed to the Magistrate Judge - should be recused. *Def.'s Mot.* The Magistrate Judge surmises - and I agree - that Mr. Hofland’s likely rationale as against me is that I have affirmed decisions recommended by the Magistrate Judge. *Order* at 1.

I deny Mr. Hofland’s motion to recuse for the same reasons the Magistrate Judge denied the same motion as to her. Mr. Hofland alleges bias from current proceedings or prior proceedings and as a matter of law, “opinions formed by the

judge on the basis of facts introduced during the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Liteky v. United States*, 510 U.S. 540, 548 (1994); *United States v. Pulido*, 566 F.3d 52, 63 (1st Cir. 2009). Mr. Hofland makes no allegation of extrajudicial bias against me. In fact, he makes no allegation against me at all, except by inference. His motion does not state a basis for recusal.

I DENY Randall Hofland’s Motion to Recuse (Docket # 52).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 4th day of November, 2010